

The Commission shall control as to design and provide regulations for the erection of all memorial monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

(Mar. 4, 1923, ch. 283, §3, formerly §2, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; renumbered §3 and amended July 25, 1956, ch. 721, §§2(b), 3(b), 70 Stat. 640, 641.)

#### AMENDMENTS

1956—Act July 25, 1956, §3(b), amended section generally, requiring maintenance of works of architecture and art by the Department of Defense and striking out provisions which gave the Commission control over memorial monuments and buildings upon federally owned or controlled property in the United States or in its Territories and possessions, except national cemeteries.

1946—Act June 26, 1946, extended authority and field of operations of Commission to cover all battlefields and cemeteries throughout the world.

#### TRANSFER OF FUNCTIONS

Functions of War Department [now Department of the Army] pertaining to national cemeteries and memorials located in foreign countries transferred to American Battle Monuments Commission by Ex. Ord. No. 6614, Feb. 26, 1934. Ex. Ord. No. 6690, Apr. 25, 1934, provided that Ex. Ord. No. 6614 should become effective May 21, 1934.

Transfer of administration of national monuments to National Park Service, see Ex. Ord. No. 6166, §2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

#### SURRENDER TREE SITE IN SANTIAGO, CUBA

Pub. L. 85-125, Aug. 13, 1957, 71 Stat. 344, provided: "That the American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba. This Act takes effect on the next July 1, after the date of its enactment [Aug. 13, 1957]."

#### CROSS REFERENCES

National and international monuments and memorials generally, see section 431 et seq. of Title 16, Conservation.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 122b, 125, 127, 128, 138a, 138b of this title.

### § 124. Approval of designs for memorials

Before any design for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

(Mar. 4, 1923, ch. 283, §4, formerly §3, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317; renumbered §4 and amended July 25, 1956, ch. 721, §§2(b), 3(c), 70 Stat. 640, 641.)

#### AMENDMENTS

1956—Act July 25, 1956, §3(c), amended section generally, striking out provisions which required prior approval of materials for memorials.

1946—Act June 26, 1946, reenacted section without change.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b, 1381e of this title.

### § 125. Erection of war memorials

#### (a) Cooperation with States, etc.

The Commission is authorized to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

#### (b) Control, administration, and maintenance of war memorials by Commission

(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the services of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility therefor under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for any war memorial under this subsection is final.

(2) Any funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purpose of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title. Any such funds so transferred shall be deposited by the Commission in the manner provided for in section 128 of this title.

#### (c) Demolition of war memorials erected on foreign soils and other functions of Commission

The Commission is authorized to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

(1) the appropriate foreign authorities agree to such demolition; and

(2) the sponsors of the memorial consent to such demolition; or

(3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—

(A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or

(B) to locate the sponsors.